

Instructions for Completing the Experience Section for a Kansas Broker's License

Date: November 17, 2010

PLEASE READ CAREFULLY BEFORE COMPLETING APPLICATION

Experience will be evaluated on a case-by-case basis.

Note: Submit only the completed forms on pages 1-8 of the Experience Section with your license application and supporting documents. You do not need to submit these instructions, the sample, or controlling statutes on pages i-vii.

INSTRUCTIONS FOR SECTION A NARRATIVE OF BACKGROUND AND FUTURE PLANS

1. List your real estate license history and **attach** license history certifications from states other than Kansas. If given a choice when you are requesting a certification from another state, request that your education and exam information be included on the certification document.
2. Describe the nature and scope of your background which helps qualify you to perform the duties required of a Kansas real estate broker. Explain any circumstances that prevented you from obtaining the minimum number of completed transactions (as identified in the instructions for Section B). Indicate why you are seeking the broker level of licensure. If more space is needed, attach a letter.
3. Indicate your immediate plan and any long-range plans to act as an associate broker, supervising broker, or branch broker.
4. If your immediate plan is to act as a supervising broker or branch broker, indicate whether you plan to handle earnest monies, whether you plan to have any Kansas licensees affiliated with the office, and if so, how you will ensure all advertising and transaction files handled by you or your affiliated licensees will remain in compliance.
5. If your immediate plan is to act as an associate broker, **attach** a letter of recommendation from your current supervising or branch broker.

INSTRUCTIONS FOR SECTION B – TRANSACTION EXPERIENCE

THIS SECTION SHOULD INCLUDE ONLY REAL ESTATE SALES AND PURCHASES THAT HAVE CLOSED AND COMMERCIAL LEASES EXECUTED BY THE LESSOR AND LESSEE

Instructions for “Completed Transactions”: On the pages provided, list your completed real estate transactions, by calendar year, **during the last five years immediately preceding the filing of your application**, including the location of the property, your role in the transaction, personal interest, sale date, close date, price and type of real estate. For sale date, list the date of the purchase contract or date the lease is fully executed. Use the close date to sort your transactions by calendar year. Your involvement in both sides of the transaction only counts as one transaction. No credit is given for pending, failed or expired transactions. **You do not initially have to list more than 40 completed transactions provided you list transaction experience for at least a two-year period.** List transactions for the past five years if: a) you have less than 40 transactions, b) you have a personal interest in the majority of the transactions listed, or c) you were involved in the transactions as a member of a team. You may summarize real estate experience you obtained prior to the five-year period immediately preceding the filing of your application in Section C. If you are a nonresident supervising broker or branch broker, do not claim credit in Section B for transactions completed by licensees you supervise. Instead, request consideration of your supervisory experience in Section C.

Instructions for “Your Role in the Transaction”: Please check the box that identifies the function you personally performed in the transaction. If you checked “Other” please indicate your role, i.e., personal assistant, team leader, team member, disclosed dual agent (for nonresidents), etc. and describe your duties in detail. Use the Seller’s Agent box if you were a Seller’s Agent or a Designated Seller’s Agent. Use the Buyer’s Agent box if you were a Buyer’s Agent or a Designated Buyer’s Agent. Include all closed real estate transactions in which you worked with a buyer or seller. Commercial leases may be included, but not residential leases.

Instructions for “Personal Interest”: Please check “yes” or “no” to indicate whether you personally had an interest in the property being bought or sold. Check yes if this property was your personal residence or an investment property of yours or a company owned in whole or in part by you.

INSTRUCTIONS FOR SECTION C—REAL ESTATE AND RELATED BUSINESS EXPERIENCE

Before completing the form provided, see the sample on page v.

One, or a combination, of the following real estate or closely related business experience *may qualify* as a substitute for a portion of the two years of active real estate experience required by K.S.A. 58-3039(c)(1). Indicate any applicable activities on the form provided. A resume, job description or other documentation must be submitted for consideration for several of the types of related experience listed below. Please read the instructions carefully.

1. **Builder or Developer** - Having performed substantial activities defined in K.S.A. 58-3035(f) as an officer or principal in a real estate development or construction business or having performed such activities in any other capacity where such activities were exempt from licensure requirements in Kansas or another jurisdiction. Applicant must demonstrate that he or she was personally and actively engaged in such activities for at least one year to receive any credit. Must include a resume and list of developments/transactions developed or built and your role in the transaction.
2. **Appraiser** - Having performed substantial activities as a real estate appraiser. Applicant must demonstrate that he or she was personally and actively engaged in such activities for at least one year to receive any credit.
3. **Corporate Lease or Acquisition Manager** – Having performed substantial activities as a corporate lease or acquisition manager where such activities were exempt from licensure in Kansas or another jurisdiction. Must include resume and position description.
4. **Supervising Broker** - Experience functioning as the supervising broker of a real estate brokerage if the applicant's responsibilities included recruiting and training of affiliated agents, supervision of affiliated agents and oversight of transaction files for compliance purposes. Must include resume and position description.
5. **Transaction Manager/Administrator** - Experience as an office manager in a real estate brokerage if duties included extensive activity in the recruiting and training of agents, transaction management, and oversight of transaction files for compliance purposes. Must include resume, position description, and letter of recommendation from supervising broker.

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INSTRUCTIONS FOR SECTION C—REAL ESTATE AND RELATED BUSINESS EXPERIENCE

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6. **Real Estate Trainer** - Experience as a trainer for staff and licensees employed by or affiliated with a brokerage. Describe what types of staff training you have provided, the average number of persons trained per year, what companies you have worked for, how long you have been a trainer, and whether you provided training to the public such as first-time homebuyer training. Must include resume, position description, and letter of recommendation from supervising broker.
7. **Title Examiner, Mortgage Broker or Mortgage Lender** - Having performed substantial activities related to real estate transactions as an officer in a bank, savings association, mortgage company, title company or escrow company. Applicant must demonstrate that he or she was personally and actively engaged in such activities for at least one year to receive any credit. Must include resume and position description.
8. **Closing Officer** - Having performed a substantial number of real estate closings for a title company, escrow company, real estate company or a lender. Applicant must demonstrate that he or she was personally and actively engaged in such activities for at least one year to receive any credit. Must include resume and position description.
9. **Attorney with Real Estate Experience** – Practicing real estate attorney demonstrating that his or her practice involved a substantial amount of real estate matters or employed as legal counsel for a business entity with primary responsibility for corporate acquisitions and leases. Must include resume and position description.
10. **Real Estate Educator** – Experience as an approved real estate educator in Kansas or another jurisdiction. Describe what types of courses you have taught, the average number of persons taught per year, what schools you have taught for, how long you have been an educator, which states you have been and are currently approved as an instructor, and whether you have personally designed a course or authored course materials. Must include resume and position description.
11. **Investor** - Buy and sell investment properties for personal interest without having a real estate license. Must include resume, position description, and a list of transactions completed and your role in the transaction.

SAMPLE FOR SECTION C - REAL ESTATE AND RELATED BUSINESS EXPERIENCE

ACTIVITY	COMPANY NAME & ADDRESS	DATES FROM – TO
Real estate closings - including preparation of deed, title work, escrow agreement, review RE contract to determine payment of appropriate costs, calculate taxes, pay-offs, preparation of closing statements, etc.	Speedy Escrow 123 N. Maybee Peabody, KS	2008 - 22 closings 2009 - 36 closings 2010 - 38 closings
Real estate appraiser - including preparation of CMA's, appraisals using cost, market data and/or income approaches.	Darngood Appraisers 555 Straight St. Circleville, KS	2/14/05 – Present approx. 24 per year
Buy and sell investment properties. NOTE: Please attach supplemental sheets to list each transaction including property address, sale date, close date, price and type of property (i.e., commercial, residential, agricultural)	Tom Smooth Inc. 3066 W. South St. Liberty, MO	July 15, 2004 To Present (see attached)
Buy lots, build and sell for residential, commercial and/or industrial purposes. NOTE: Please attach supplemental sheets to list each transaction including property address, sale date, close date, price and type of property (i.e., commercial, residential, industrial)	Weed Development 160 Penn Ave., Tampa, FL	2008 - 30 Lots 2009 - 44 Lots
Loan officer involved in locating and qualifying financial resources for RE loan purposes including use of secondary market.	Rockefeller S & L 1 Town Center Baldwin, KS	03/15/06 – Present average 50 per year
Prepare RE contracts, practice RE law in district and appellate courts, prepare and/or review abstract and title opinions.	Jack Esquire 147 E. Main Waxee, KS	5/1/02 – Present approx. 15 clients/yr
Office manager - recruit, train, monitor transaction activities.	Beemer Real Estate 334 Jackson, Iola, KS	2009 - 12 licensees 2010 - 20 licensees

INSTRUCTIONS FOR SECTION D—REAL ESTATE DESIGNATIONS OR DEGREE

Real Estate Designations One, or a combination, of the following real estate designations currently held by the applicant may qualify as a substitute for a portion of the active real estate experience required by K.S.A. 58-3039(d)(1). Indicate date received, designation and description and **attach a copy of the membership card or designation certificate**. If the designation you hold is not listed below, indicate the date received, designation, description, provider name and address, and attach documentation of the requirements to obtain the designation.

NATIONAL DESIGNATIONS

<u>Designation</u>	<u>Description</u>
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ABR	Accredited Buyer Representative
ABRM	Accredited Buyer Representative Manager
ALC	Accredited Land Consultant
CCIM	Certified Commercial Investment Member
CIPS	Certified International Property Specialist
CPM	Certified Property Manager
CRB	Council of Real Estate Brokerage Managers
CRE	Counselors of Real Estate
CRS	Certified Residential Specialist
SIOR	Society of Industrial and Office Realtors

DESIGNATIONS ISSUED BY LOCAL BOARD OR LOCAL TRADE ASSOCIATION

<u>Designation</u>	<u>Description</u>
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GRI	Graduate, Realtor Institute
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DESIGNATIONS ISSUED BY OTHER SCHOOL OR COMPANY

Indicate date received, designation, description and provider name and address. Attach a copy of the membership card or designation certificate and documentation of the requirements to obtain the designation.

Real Estate Degree Having a degree with a major or minor in real estate from an accredited university may qualify as a substitute for a portion of the two years of active real estate experience required by K.S.A. 58-3039(d)(1).

CONTROLLING STATUTES:

K.S.A. 58-3039(d)(1) requires an applicant for an original license as a broker to have been actively engaged in any of the activities described in subsection (f) of K.S.A. 58-3035 for a period of at least two years during the five years immediately preceding the date of the application. [Note: The two years do not have to be consecutive.]

K.S.A. 58-3039(d)(2) provides that if an applicant resides in a county that has a population of 20,000 or less, the commission may, upon a finding that such county suffers from a shortage of brokers and upon compelling evidence of need, waive or alter the broker experience requirements.

K.S.A. 58-3035(f) “Broker” means an individual, other than a salesperson, who advertises or represents that such individual engages in the business of buying, selling, exchanging, or leasing real estate or who, for compensation, engages in any of the following activities as an employee of, or on behalf of, the owner, purchaser, lessor or lessee of real estate:

1. Sells, exchanges, purchases or leases real estate.
2. Offers to sell, exchange, purchase or lease real estate.
3. Negotiates or offers, attempts or agrees to negotiate the sale, exchange, purchase or leasing of real estate.
4. Lists or offers, attempts or agrees to list real estate for sale, lease or exchange.
5. Auctions or offers, attempts or agrees to auction real estate or assists an auctioneer by procuring bids at a real estate auction.
6. Buys, sells, offers to buy or sell or otherwise deals in options on real estate.
7. Assists or directs in the procuring of prospects calculated to result in the sale, exchange or lease of real estate.
8. Assists in or directs the negotiation of any transaction calculated or intended to result in the sale, exchange or lease of real estate.
9. Engages in the business of charging an advance listing fee.
10. Provides lists of real estate as being available for sale or lease, other than lists provided for the sole purpose of promoting the sale or lease of real estate wherein inquiries are directed to the owner of the real estate or to real estate brokers and not to unlicensed persons who publish the list.

K.S.A. 58-3039(e) authorizes the Commission to accept proof of experience in real estate or a related business or a combination of such experience and education which the Commission believes qualifies the applicant to act as a broker.

K.S.A. 58-3040(a)(1) requires nonresidents applying for a Kansas broker’s license to be licensed as a broker in the nonresident’s state of residence.